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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 41-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Centipaid, Innovative Micropayment Solutions.

The reference teaches an email postage method comprising:

providing an electronic mail communication using a sender;

attaching the value to the electronic mail communication using the sender;

after the attaching, outputting the electronic mail communication having the attached value for communication to a recipient;

responsive to the analysis, accessing contents of the electronic mail communication using the recipient.

The reference fails to expressly teach the method comprising:

ascertaining a value granting access to the electronic mail communication;

after the outputting, analyzing the attached value; and

increasing the value.

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It would have been obvious for one skilled in the art at the time to have performed these steps as motivated by the need to meet the asking price of the recipient. Meeting the asking price is conventional in the art of electronic exchange.

As for the clearing steps, it would have been obvious for one skilled in the art at the time to have adopted the industry accepted method of clearing payment and the like.

As for claim 43, it would have been obvious to automate the process as motivated by the need to increase efficiency.

Allowable Subject Matter

Claim 46 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard C. Weisberger whose telephone number is 571 272 6753. The examiner can normally be reached between 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on 571 272 6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Richard C Weisberger/
Primary Examiner, Art Unit 3693

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